



National Transportation Safety Board

Washington, D.C. 20594
Safety Recommendation

Date: January 13, 1988

In reply refer to: M-87-120 and -121

Honorable George P. Shultz
 Secretary
 U.S. Department of State
 2201 C Street, N.W.
 Washington, D.C. 20520

About 1310 on February 5, 1987, the 55-foot-long, wooden-hulled, U.S. charter fishing vessel FISH-N-FOOL capsized in Mexican territorial waters about 4 nmi west of the western coast of Baja California Norte, Mexico, and about 150 nmi south of San Diego, California. Most of the 12 persons on board were on deck at the time of the capsizing and were thrown into the 62° F seawater. The captain was in the wheelhouse and was not seen after the vessel capsized. Eight persons began swimming toward 2 1/2-nmi-distant San Martin Island shortly after the capsizing; none was wearing a personal flotation device. The alternate operator remained near the capsized vessel and managed to board a lifefloat. The vessel sank several hours later. About 2000, one passenger was rescued from the water by Mexican fishermen from San Martin Island. About 2030, the alternate operator was hoisted from the lifefloat by a U.S. Coast Guard helicopter. The search continued through the following day, but no more survivors were found. The FISH-N-FOOL was valued at \$175,000.

Charter fishing vessels based in southern California frequently venture into Mexican waters where the Mexican government has the primary responsibility for search and rescue operations. Many of those vessels carry emergency position indicating radiobeacons (EPIRB), but the U.S. Coast Guard and the Mexican search and rescue authorities have no established procedures for response to search and rescue satellite-aided tracking system (SARSAT) reports or emergency locator transmitter (ELT)/EPIRB signals that emanate from Mexican territorial waters. In this case, the pilot of Falcon 2128 informed a Mexican air traffic controller of the ELT/EPIRB signal, but received no indication that Mexican authorities would investigate. Although the rescue coordinating center (RCC) controller believed that the Mexican authorities would not respond to "just an ELT," he should have attempted to notify the Mexican authorities as soon as the ELT/EPIRB signal was reported to him. Later, when Falcon 2106 was sent to locate the source of the ELT/EPIRB signal, the controller ordered Falcon 2106 to remain outside Mexican airspace to comply with the Assistance and Salvage Treaty of 1935. If the pilot of Falcon 2106 had not been required to proceed toward San Quintin outside of Mexican airspace or to use time for communications to request permission to enter Mexican airspace, a few minutes, probably no more than 10, might have been saved. However, if Falcon 2128 had not been flying over San Quintin on the logistics mission and, therefore, the pilot had not heard the FISH-N-FOOL's EPIRB signal,

1/ For more detailed information, read Marine Accident Report--"Capsizing of the U.S. Charter Fishing Vessel FISH-N-FOOL, Pacific Ocean at Roca Ben, Baja California Norte, Mexico, February 5, 1987" (NTSB/MAR-87/11).

the delay in locating the lifefloats and alternate operator would have been significantly longer because the Coast Guard would not have launched search and rescue units until the second SARSAT report had been received and because the Mexican authorities probably would not have responded to a SARSAT report. The National Transportation Safety Board concludes that the lack of established procedures for response to SARSAT reports and ELT/EPIRB signals that emanate from Mexican territorial waters slightly delayed the location of the lifefloats and the alternate operator by Falcon 2106, and that such procedures should be developed for the safety of vessels and aircraft operating in that area.

The pilot of Falcon 2128, the duty officer at Coast Guard air station (CGAS), San Diego, and the RCC controller had no way to know that the FISH-N-FOOL had capsized and that persons were in the water when the FISH-N-FOOL's EPIRB signal was first received. However, all three were aware of the very high rate of false alarm ELT signals, the frequent location of ELT false alarms at airports, and the location of several airports near San Quintin. All three were aware of the nature of Falcon 2128's logistics mission. All three were aware of the requirements for initiating search and rescue operations in Mexican airspace and waters. Although the RCC controller's initial reaction to the report of the ELT signal was to divert Falcon 2128, there was at that time no confirming indication of "known distress," and he agreed to seek some further indication of the location of the ELT/EPIRB before diverting Falcon 2128 to search for it. Because of the high number of detected ELT/EPIRB signals and the high probability that any individual signal will be a false alarm, the Coast Guard generally attempts to obtain confirming information that a true distress might exist before sending a search and rescue unit to investigate a report of an ELT/EPIRB signal. However, the Coast Guard has no written response procedures that recognize the high false alarm rate. For the few minutes that Falcon 2106 was attempting to receive the signal, Falcon 2128 continued south at 500 knots toward La Paz and away from the indicated direction of the signal. By the time that Falcon 2128 was ordered to divert to search for the source of the ELT/EPIRB signal, about 30 minutes had elapsed from the time that the signal was first heard. As indicated previously, 20 minutes could have been saved by refueling Falcon 2106 at San Diego International Airport. In accordance with usual Coast Guard procedures, such delays ordinarily would not occur after receipt of a voice "Mayday" message specifying a location near a search and rescue unit, and probably would not have occurred in this case if 97 percent of detected ELT/EPIRB signals were not false alarms. If the pilot of Falcon 2128, the duty officer, or the RCC controller had been reasonably sure that the ELT/EPIRB signal received by Falcon 2128 indicated a true distress, any one of them could have and would have diverted Falcon 2128 immediately. The Safety Board concludes that the high percentage of false alarms transmitted by ELTs delayed the Coast Guard search for the source of the FISH-N-FOOL's EPIRB signal.

Search and rescue missions for maritime accidents involving U.S. citizens and vessels in foreign territorial waters require consideration of two often conflicting principles--the sovereign rights of individual nations to control entry into their territory, and the humanitarian exigency to relieve suffering and distress quickly. International agreements and treaties, such as the Assistance and Salvage Treaty of 1935 between Mexico and the United States, are made to help resolve conflicts between those principles. In this case, even though initially it was unknown whether a true distress existed, and in spite of the high false alarm rate of ELTs, the RCC controller authorized Falcon 2106 to penetrate Mexican

airspace. He was somewhat reluctant to do so until a brief search outside of Mexican territory had confirmed the report from the SARSAT system that the source of the ELT/EPIRB signal was probably within Mexican territory. The RCC controller realized that there was no other way to ensure a reasonably timely investigation of the ELT/EPIRB signal. After the lifefloats and the alternate operator were sighted, the RCC controller made several attempts to contact Mexican authorities by telephone, but, according to the controller, the calls were not answered. Regardless, he continued to pursue the case. The U.S. Defense Attache Officer was briefed, and additional U.S. search and rescue units were sent to the scene. If Mexico observed a policy of automatic entry for search and rescue units similar to the policies of several Central American countries, the RCC controller might not have been quite so concerned about Dolphin 6547's ability to complete the mission without refueling, and the helicopter might have been able to depart CGAS, San Diego, a few minutes sooner. Individuals involved in search and rescue missions must make timely decisions based upon the circumstances of the case, and international treaties and agreements should encourage those decisions that, when necessary, place preservation of life above territorial sovereignty.

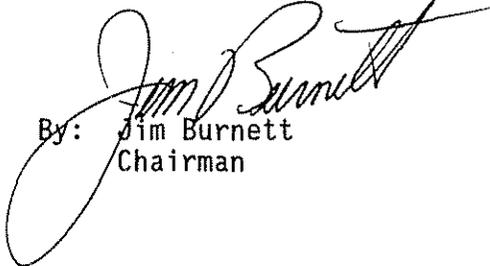
As a result of its investigation, the National Transportation Safety Board recommends that the U.S. Department of State:

Assist the Coast Guard to establish specific procedures with the Mexican government for U.S. Coast Guard and/or Mexican response to search and rescue satellite-aided tracking reports and emergency locator transmitter/emergency position indicating radiobeacon signals that emanate from Mexican territorial waters. (Class II, Priority Action) (M-87-120)

Assist the Coast Guard to establish an agreement with the Mexican government that allows U.S. search and rescue units to fly over and land on Mexican soil when involved in a search and rescue mission. (Class II, Priority Action) (M-87-121)

Also as a result of its investigation, the Safety Board issued Safety Recommendations M-87-113 through -119 to the U.S. Coast Guard and Safety Recommendations M-87-122 and -123 to the Sportfishing Association of California.

BURNETT, Chairman, and LAUBER, NALL, and KOLSTAD, Members, concurred in these recommendations. GOLDMAN, Vice Chairman, did not participate.


By: Jim Burnett
Chairman